

Remarks

The present communication responds to the non-final Office action of February 14, 2007 in which the Examiner rejected claims 1-34. Claims 1-15, 18-31, and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,295,976 ("Harris"). Claims 16, 17, 32 and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Harris in view of U.S. Patent 5,728,074 ("Castellano et al."). Claims 22-26 were objected to under 37 C.F.R. § 1.75 as duplicates of claims 2, 6, 7, 8 and 9, respectively.

Claims 9, 18 and 22-26 have been cancelled. Claims 1, 3, 6-8, 19 and 34 have been amended. No new subject matter has been added. Support for amended claims 1, 3, 6-8, 19 and 34 can be found in general throughout the specification and in particular, for example, at page 9, lines 15-20 and at page 10, lines 8-19.

The claim rejections are traversed in view of the amendments and for at least the reasons articulated below.

Reconsideration is requested.

Rejection under 35 U.S.C. § 102

Claims 1-15, 18-31 and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by Harris. Applicant traverses this rejection, initially observing that claims 9, 18 and 22-26 have been cancelled.

Harris discloses a syringe with a syringe housing 24 and an integral cap 60 on the proximal end 58 of a plunger rod 50. The Examiner likens the syringe housing 24 to Applicant's front casing section and integral cap 60 to Applicant's rear casing section. However, Applicant's front casing section and the rear casing section are connected along a common central longitudinal axis, in a non-releasable connection, and cannot be moved relative to each other, either axially along or rotationally about the longitudinal axis. In contrast, in the first embodiment of Harris:

rotational and axial displacement of collar 40 occurs with respect to the syringe housing 24, through the interaction of the interior threaded surface 42 and the syringe housing proximal end 44, the cap 60 is effectively displaced both rotationally and axially in the direction of arrow B toward the position shown in phantom at the extreme left of FIG. 2. (*Harris, col. 4, lines 29-2.5*)

Additionally, the second embodiment of Harris discloses, “[t]he projecting portion 122 of cap 106 is then rotated with respect to the syringe housing 76.” (*Harris, col. 5, lines 57-58.*) Therefore, the “casing sections” of Harris are moved relative to each other.

Further, as to the first embodiment, Harris discloses that:

a retainer 54 is fixed within the syringe housing 24 at a fixed rotational position and includes an interior surface having a configuration matching the exterior surface of plunger rod 50 to prevent relative rotation between the plunger rod 50 and the syringe housing 24. A push-washer 56 is sandwiched between retainer 54 and container 26 and engages the surface of plunger rod as shown in FIG. 3 to prevent movement of the plunger rod 50 away from the needle assembly 28. (*Harris, col. 4, lines 3-8.*)

And the second embodiment of Harris discloses that:

The plunger rod 88 includes a spiral outer surface 92 interrupted by a pair of longitudinal channels 94 and 96 which are best illustrated in FIGS. 8 and 9. The syringe housing 76 includes a pair of inwardly projecting fingers 98 and 100 engaged in slots or channels 94 and 96 to prevent rotation of the plunger rod 88 with respect to the syringe housing 76. A push-nut 102, as shown in FIG. 10, is sandwiched between the distal surfaces of fingers 98 and 100 and the proximal end of container 78. The inwardly projecting prongs 104 on the push-nut 102 project into slots or channels 94 and 96 to engage the base of each channel preventing movement of the plunger rod 88 away from the needle assembly 82. (*Harris, col. 5, lines 14-21.*)

Harris does not disclose an outer surface of a piston rod including rows of teeth, wherein the rear casing section comprises blocking elements which engage the rows of teeth such that the piston rod is permitted to move in an advancing direction but not counter to the advancing direction as in amended claims 1, 3 and 6-8.

For at least the preceding reasons, the § 102 rejection should be reconsidered and withdrawn.

Rejection of the Dependent Claims

Because claims 2, 4, 5, 10-15, 19-21, 27-31 and 34 depend directly or indirectly from the independent claims and incorporate all the limitations of the corresponding independent claims, they are allowable for the same reasons (set forth above) and, further, in view of their additional recitations.

Rejection under 35 U.S.C. § 103

Claims 16, 17, 32 and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Harris in view of Castellano. Castellano describes a medical injection device, such as a pen-type injector with a microprocessor that records information about each injection.

Nothing in Castellano directs the skilled artisan, or provides the requisite motivation for the skilled artisan, to arrive at an injection device wherein a front casing section and a rear casing section are non-releaseably connected along a common central longitudinal axis and cannot be moved relative to each other either axially along or rotationally about the longitudinal axis. In contrast, Castellano discloses a medication cartridge housing 16 that is coupled to the injection mechanism housing 14 by threads. (*Castellano, col. 7, lines 23-25*). A user can unscrew the medication housing 16 from the injection mechanism housing 14. (*Castellano, col. 9, lines 29-30*).

Castellano also does not disclose a piston rod with an outer surface including rows of teeth, wherein the rear casing section comprises blocking elements which engage the rows of teeth such that the piston rod is permitted to move in an advancing direction but not counter to the advancing direction as in amended claims 1, 3 and 6-8. Instead, the drive shaft 76 of Castellano is threaded. (*Castellano, col. 10, line 62*).

The asserted combination of Harris and Castellano, even if proper, does not disclose or teach each element of amended claims 1, 3 and 6-8, and the rejection based thereon should be withdrawn.

Claims 16, 17, 32, and 33 depend directly or indirectly from amended claims 1 or 8 and are patentable over the asserted combination of references for at least those reasons set forth above with respect to amended claims 1 and 8.

Double Patenting Objection

Claims 22, 23, 24, 25 and 26 were objected to under 37 C.F.R. § 1.75 as substantial duplicates of claims 2, 6, 7, 8 and 9, respectively.

Claims 22-26 have been cancelled, without prejudice, to expedite allowance.

Conclusion

This paper generates a petition fee for a 3 (three) month extension of time to August 14, 2007. The Commissioner is authorized to charge any fees which may be required or associated with this paper, including extension fees, to Deposit Account No. 04-1420.

The application is in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date:

August 14, 2007

By:

David E. Bruhn

David E. Bruhn, Reg. No. 36,762
(612) 340-6317